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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/568,196

05/03/2007

Vladimir Halic

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EXAMINER

CHERIYAN JR, THOMAS K

ART UNIT

PAPER NUMBER

3714

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/568,196	Applicant(s) HALIC ET AL.	
	Examiner THOMAS K. CHERIYAN JR	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/9/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaz et al (US 6715850 B1) in view of Do et al (US 5701231).

Regarding claim 1, Diaz discloses a gaming machine electronics enclosure comprising:

a box-shaped structure comprised of a plurality of members enclosing a volume (**Diaz, Figure 1 shows a computer enclosure**), the structure further defining an access opening; and

a lid carried by one of the members for closing off the access opening, thereby securing components contained within the volume, in which at least one of the members is a displaceable member which is displaceably arranged relative to the remainder of the members so that, when the displaceable member is in a displaced position relative

to the remainder of the members, the access opening is enlarged to facilitate access to an interior of the structure **(Diaz, Figure 6 shows the displaceable member 41 which allows access to the interior of the structure.)**.

Regarding claim 2, Diaz discloses the box shaped structure includes a rear member, a pair of opposed side members projecting from the rear member and top and bottom members spanning the side members **(Obvious. Claim 2 is simply describing all sides of a box which can clearly be seen in Diaz, Figure 1.)**.

Regarding claim 3, Diaz discloses the opening is defined by free edges of the side members, the top member and the bottom member **(Obvious in view of Diaz, Figure 6 showing the opening has free edges on the side members, the top member and the bottom member.)**.

Regarding claim 4, Diaz discloses the lid is hingedly secured to the free edge of one of the members.

Diaz does not disclose using a hinge on the lid secured to the free edge of one of the members, however, Do does **(Do, Figure 1, Hinges 21a and 21b)**.

The motivation for combining the teachings of Do with Diaz is because both inventions are about enclosures for an electronic system such as a computer.

Therefore, it would be obvious to anyone skilled in the art of gaming at the time of the invention to combine the teachings of Do with Diaz to have a lid attached to a member on a hinge because it would allow for easy access into the interior of the enclosure as well as for sake of convenience.

Regarding claims 5 - 24, Diaz discloses the lid is hingedly secured to the free edge of one of the members which is opposite the displaceable member **(Obvious. In view of KSR, it would be obvious to have every member of the enclosure to be displaceable. Considering that the enclosure is simply just a box to enclose electronic components, it would be obvious to create a various number of methods to create a box type enclosure where one or more members can be attached to other members using a plurality of hinges or be physically attached together. Utility is still achieved by keeping all the electronic components inside the enclosure, however, there is no novelty, simply a design choice. Viewing the claims in this application in view of Diaz and Do with respect to obviousness in view of KSR, the Examiner concludes that it would be obvious to one skilled in the art of enclosure design at the time of the invention to develop the disclosed invention as stated by the applicant in view of KSR.)**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas K. Cheriyan whose telephone number is 571-270-3225. The examiner can normally be reached on Mon-Fri 7:30AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/

Supervisory Patent Examiner, Art Unit 3714